



Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

CGB

December 12, 2011

Harry Pottash
MuckRock News
Dept MR 949
P.O. Box 55819
Boston, MA 02205-5819

FOIA No. 2012-092

Dear Mr. Pottash:

This letter responds to your recent Freedom of Information Act ("FOIA") request received by the Federal Communications Commission (the "FCC" or "Commission") and assigned to the Consumer & Governmental Affairs ("CGB"), Enforcement ("EB"), and the Media ("MB") Bureaus. Your request seeks "Any document, or segment of document that mentions the 'Carrier IQ' cell phone application, and which was written before November 1st, 2011."

CGB conducted a search of the databases in which we maintain the records of informal complaints filed by, or on behalf of, consumers. Our search revealed 15 documents that are responsive to your request, which are enclosed. EB informed CGB that a search of its records identified no responsive documents.

Mr. Hennigan redacted all personal identifying information relating to the individuals who submitted or are named in the enclosed complaints or inquiries based on Exemption 6 of FOIA, which permits agencies not to disclose files that would clearly invade personal privacy.¹ Mr. Hennigan also redacted some FCC employee names based on Exemption 2 of FOIA, which permits agencies not to disclose internal personnel rules and practices.²

All personal identifying information relating to the individuals who submitted or are named in the enclosed complaints or inquiries has been redacted based on Exemption 6 of FOIA, which permits agencies not to disclose files that would clearly invade personal

¹ 5 U.S.C. § 552 (b)(6); *see also* 47 C.F.R. § 0.457(f).

² 5 U.S.C. § 552(b)(2); *see also* 47 C.F.R. § 0.457(b).



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privacy.³ Some FCC employee names have also been redacted based on Exemption 2 of FOIA, which permits agencies not to disclose internal personnel rules and practices.⁴

The FCC receives many complaints and comments that do not involve violations of the Communications Act or any FCC rule or order. Thus, a complaint or comment does not necessarily indicate any wrongdoing by any individuals or entities named in the complaint or comment.

FOIA and FCC rules require the FCC to charge requesters for time spent searching for and reviewing responsive documents, and for copying them.⁵ Based on your classification as a representative of the "news media," you are responsible only for the payment of duplication costs beyond the first 100 pages. However, there are no charges associated with processing your request.

If you think this response denies your FOIA request, you may file an application for review of this decision with the FCC's Office of the General Counsel within 30 days.⁶ Both the application and envelope containing it must be marked "Review of Freedom of Information Action" and the application should refer to FOIA Control No. 2012-092.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kurt Schroeder", with a long horizontal flourish extending to the right.

Kurt Schroeder
Deputy Chief
Consumer Policy Division
Consumer & Governmental Affairs Bureau

Enclosures

³ 5 U.S.C. § 552 (b)(6); *see also* 47 C.F.R. § 0.457(f).

⁴ 5 U.S.C. § 552(b)(2); *see also* 47 C.F.R. § 0.457(b).

⁵ 5 U.S.C. § 552(a)(4)(A)(i); 47 C.F.R. § 0.470.

⁶ 47 C.F.R. § 0.461(j).

Case Information

Control ID : CIMS00003285905	IC Number : 11-R3285905	Submission Method : Email	Status : Closed
Level One : Wireless	Level Two : Cellular/PCS	Level Three : Mobile Apps	Assigned Code Acronym :
Owner Rep Number : TSR09	Creator : email.reader	Problem Submitted Time : 12/3/2011 6:47:34PM	Date Closed : 12/5/2011

Contact Information

Consumer's Name : UNKNOWN UNKNOWN	Phone : (000) 000 - 0000	Best Time to Call :
Address :	Address 2 :	P. O. Box :
City / State / Zip :	Title :	Fax Number :
Email : [REDACTED]	Company :	

Problem Description

Email Subject: CARRIER IQ bug/Android phones,devices

[REDACTED] wrote on 12/5/2011 12:51:22 PM :

Hello,

The provider of the phone should be able to assist with this question. If not, you may wish to file a complaint.

Some pre-installed applications may have automatic downloads with them at time of purchase of your phone. Some apps become apparent after a pre-determined time frame.

Under certain circumstances, you can file a complaint with the FCC regarding phone applications.

You can file a complaint against your provider if your phone did an automatic download and you are having problems with that download or have determined you did not want it. If they will not assist with problems with it or you did want the download, etc.

You can file an informal complaint with the FCC using Form 2000B electronically on the Internet at www.fcc.gov/complaints

12/5/2011 10:25:32 AM - Email Acknowledgement sent to [REDACTED]

[REDACTED] wrote on 12/3/2011 6:47:34 PM :

The following email I sent to HTC, maker of my EVO 4G, because after a security app check, my phone was shown to have this 'bug' if you will, which collects private data and sends it ?????? Supposedly, manufacturers are very aware they are putting devices on the market with CARRIER IQ.

EMAIL TO PHONE MANUFACTURER:

Looking on the Android App Market today, I saw a few New apps that claim to find a "bug" of sorts that's been found to be deeply embedded in Android firmware. CARRIER IQ is the name and I downloaded 2 apps that supposedly find this thing, IF it's present in a device and Both apps stated my device did indeed have CARRIER IQ... So what do I do about this? From my understanding, it collects private user data and sends it to God knows where. What is the FCC's take on this subject?!

Sent from my HTC on the Now Network from Sprint!

Case Information

Control ID : CIMS00003286194	IC Number : 11-R3286194	Submission Method : Email	Status : Closed
Level One : Telephone	Level Two : CPNI	Level Three : Privacy	Assigned Code Acronym :
Owner Rep Number : TSR09	Creator : [REDACTED]	Problem Submitted Time : 12/3/2011 6:47:34PM	Date Closed : 12/5/2011

Contact Information

Consumer's Name : UNKNOWN UNKNOWN	Phone : (000) 000 - 0000	Best Time to Call :
Address :	Address 2 :	P. O. Box :
City / State / Zip :	Title :	Fax Number :
Email : intrance454@aol.com	Company :	

Problem Description

[REDACTED] wrote on 12/5/2011 12:51:22 PM :

Hello,

The provider of the phone should be able to assist with this question. If not, you may wish to file a complaint.

Some pre-installed applications may have automatic downloads with them at time of purchase of your phone. Some apps become apparent after a pre-determined time frame.

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Sent from my HTC on the Now Network from Sprint!

Case Information

Control ID : CIMS00003284462	IC Number : 11-R3284462	Submission Method : Email	Status : Open
Level One :	Level Two :	Level Three :	Assigned Code Acronym :
Owner Rep Number : TSR15	Creator : email.reader	Problem Submitted Time : 12/1/2011 9:36:29AM	Date Closed :

Contact Information

Consumer's Name : UNKNOWN UNKNOWN	Phone : (000) 000 - 0000	Best Time to Call :
Address :	Address 2 :	P. O. Box :
City / State / Zip :	Title :	Fax Number :
Email : [REDACTED]	Company :	

Problem Description

Email Subject: Complaint About Secret Monitoring of Phone Usage

12/1/2011 11:12:10 AM - Email Acknowledgement sent to s [REDACTED]

[REDACTED] 12/1/2011 9:36:29 AM :

To Whom It May Concern:

I am writing with regard to the recent findings of Mr. Trevor Eckhart with respect to the Carrier IQ software commonly embedded on phones and tablet computers. (A summary of his findings is available at <http://www.wired.com/threatlevel/2011/11/secret-software-logging-video/>), among other sources.) I personally use one such phone that has Carrier IQ software embedded on it which is serviced by Sprint. I am angry that secret software could be monitoring /anything/ that I do without me having been made aware of its existence and function and without having had the opportunity to preemptively opt out of this service used by Sprint. No mention of this service has ever been made to me by conversation I have had with a customer service representative or in any agreement that I have signed to my knowledge.

I request that the FCC investigate the matter of the inclusion of Carrier IQ software on wireless communications devices used by the public and that actions be taken to ensure telecommunications customers are a) made aware of its existence and /exact/ function on devices they use, b) have the option to opt out of this service at any time, and c) have public-usable tools at their disposal to verify whether or not such software is actively running or enabled on devices they use.

In short, anything less than a wireless provider making available public and comprehensive descriptions of the kind of information transmitted by a wireless telecommunications device used by the public is an invasion of user privacy in

the most fundamental sense. Americans have the right to their own privacy, and to choose which entities--corporate or otherwise--have access to which type of information about their daily lives. It is not difficult to imagine that a profile about a wireless customer could be prepared and archived using information such as keystrokes, URLs visited, and phone numbers dialed, and that such a profile could be used in nefarious ways. For many, the very idea that anyone or anything is recording such information is enough to dissuade them from accessing information through wireless devices for fear that something about them would be discovered or deduced (correctly or incorrectly) and could subsequently endanger their personal safety or enable others to profit at their expense. Simply choosing to not use a wireless telecommunications device in order to avoid such a situation is obviously not an acceptable alternative in today's society.

I am certain I will not be the only one contacting the FCC about this matter.

Thank you for your time and consideration of this serious matter.

Sincerely,

A large black rectangular redaction box covering the signature area.

Case Information

Control ID : CIMS00003284608	IC Number : 11-R3284608	Submission Method : Email	Status : Closed
Level One : Wireless	Level Two : Cellular/PCS	Level Three : Mobile Apps	Assigned Code Acronym :
Owner Rep Number : TSR58	Creator :	Problem Submitted Time : 12/1/2011 12:57:03PM	Date Closed : 12/1/2011

Contact Information

Consumer's Name :	Phone : (000) 000 - 0000	Best Time to Call :
Address :	Address 2 :	P. O. Box :
City / State / Zip :	Title :	Fax Number :
Email :	Company :	

Problem Description

note on 12/1/2011 12:58:55 PM :

Dear Consumer,

This is not an issue for the FCC in most instances.

If downloads were not from the carrier or their website, but from an online app store, then it is not within our jurisdiction. It would be a State Consumer Protection issue or an FTC issue.

If the phone did an automatic download then consumers should contact their specific carrier for assistance.

Under certain circumstances, you can file a complaint with the FCC regarding phone applications.

You can file a complaint against your provider if your phone did an automatic download and you are having problems with that download or have determined you did not want it. If they will not assist with problems with it or you did want the download, etc.

You can file an informal complaint with the FCC using Form 2000B electronically on the Internet at <http://www.fcc.gov/complaints> by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; by faxing 1-866-418-0232; or by postal mail to:

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554.

Thank You

I am writing to express my concern about the presence of a program called Carrier IQ on Android based smart cellphones. You can Google Carrier IQ for detailed reporting on this issue.

The basics are this, the program appears to log every keystroke that you make on your phone. The program is difficult to find, is not mentioned in any of the phone company's customer information, and is impossible for the average phone user to turn off or remove.

This software appears to be serious violation of customer privacy, and may

violate wiretapping laws. I would appreciate you looking into this as it is an issue that directly affects many US cellphone users. Both Carrier IQ and Sprint have been less than forthcoming about the software's data capture capabilities. I believe a direct inquiry to Carrier IQ and the major carriers from the FCC would be useful in shedding some much needed light on this matter.

Sincerely Yours,

A black rectangular redaction box covering the signature of the sender.

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00348951-1	Complaint Source	Web
Date Received	11/23/2011	Attachments	No
Category		Subcategory	

Complainant Information

Company			
Address			
City/State/Zip	Anderson	IN	46013

Complaint Information

Company	Sprint	TV Channel	
Call Sign			
City/State/Zip			

Comments	I have recently learned that Sprint is installing malware rootkit on all android phones by the name of Carrier IQ. I am not sure if this breaks any rules but I would be intereseted in an investigation in to this tactic. Sprint has no rights to my email and other data. This is a breach of my privacy that should be protected.
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Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00350191-1	Complaint Source	Web
Date Received	11/30/2011	Attachments	No
Category	Other	Subcategory	Other

Complainant Information

Company			
Address			
City/State/Zip	Clarksburg	WV	26301

Complaint Information

Company	Sprint, Carrier IQ, and HTC
Call Sign	TV Channel
City/State/Zip	
Comments	<p>Sprint allows its HTC phone provider to install convert Carrier IQ software to record keystrokes, web surfing habits, including supposedly encrypted https routing openly, and location tracking information without my knowledge or expressed permission. The software can not be deleted, stopped, or suspended. The is no option to Opt-Out.</p> <p>I believe this may be a violation of federal wiretapping laws.</p> <p>I have asked Carrier IQ for instruction on how to remove the software but have not recieved a response.</p> <p>I am the owner of the device, therefore I have the right to decide what software is installed. Carrier IQ has not provided a Privacy Policy along with it software.</p>

Form Type 2000B - Billing, Privacy, or Service Quality Complaint

Complaint Number 11-C00350246-1

Complaint Source Web

Date Received 11/30/2011

Attachments No

Category

Subcategory

Complainant Information

Company

Address

City/State/Zip Pittsford

NY

14534

Complaint Information

Company Carrier IQ

Call Sign

TV Channel

City/State/Zip

Comments

The FCC should investigate Carrier IQ software, used by most cell phones. Carrier IQ claims their software finds call quality problems, but research shows it is a keylogger recording every phone number and search topic entered and sends that information to central servers for storage. This is done to me and millions of other customers using cell phones. More information is at: <http://www.wired.com/threatlevel/2011/11/secret-software-logging-video> You can see the keylogger in action as it records phone numbers and internet search terms, and sends the data to central server data bases. Key questions for FCC investigation start with: 1. Why is this not a violation of wiretapping laws? (If I did this, I would be prosecuted for wiretap, why has Carrier IQ not been prosecuted for wiretap?) 2. What laws did the telephone companies break when they became aware of this information and did not inform law enforcement, the FCC, or customers about this violation of privacy in a phone call?

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00350286-1	Complaint Source	Web
Date Received	11/30/2011	Attachments	No
Category	Equipment	Subcategory	Faulty

Complainant Information

Company			
Address			
City/State/Zip	Sunnyvale	CA	94089

Complaint Information

Company	AT&T Wireless, Android, and Carrier IQ		
Call Sign		TV Channel	
City/State/Zip			
Comments	<p>Carrier IQ factory installed software on my Android, is a keystroke logger, tantamount to an illegal wiretap, and cannot be uninstalled without 'rooting' my phone which will void it's warranty. I find it unethical and likely illegal that this company with obvious permission from both Android and AT&T would install a keylogger without consent and without full disclosure. Proof that it actually keylogging and not just tracking dropped calls and poor signal. http://www.wired.com/threatlevel/2011/11/secret-software-logging-video/</p>		

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00350618-1	Complaint Source	Web
Date Received	12/01/2011	Attachments	No
Category	Billing Practices/Rate Structures	Subcategory	Data

Complainant Information

Company			
Address			
City/State/Zip	Littleton	CO	80127

Complaint Information

Company	Sprint/Carrier IQ		
Call Sign	TV Channel		
City/State/Zip			
Comments	<p>The consumer was alerted to a software installed on every single cell phone of Blackberry, HTC, Nokia, and most Android cell phones in the market during manufacturing that tracks every single key stroke in the phone and sends the information to a company Carrier IQ, he is a physician and he has contracts with the government and feels this could violate HIPAA Laws. Every single key stroke and real-time GPS Data is sent to them the second is done. The consumer feels this violates Federal wiretapping laws. They do not ask for permission for this release of information and there is no way to disable it. It's automatically downloaded to the cell phones after manufacturing. It is part of the root kit software program; the only way to take it out can invalidate the warranty. The consumer feels this is a very big breach of privacy and this could lead to potential release of Private information.CTR119</p>		

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00350628-1	Complaint Source	Web
Date Received	12/01/2011	Attachments	No
Category		Subcategory	

Complainant Information

Company	AT&T		
Address	33 country		
City/State/Zip	holtsville	NY	11742

Complaint Information

Company	AT&T	TV Channel	
Call Sign			
City/State/Zip			

Comments Privacy issue: Carrier IQ
 As of writing this I've spoken to 5 representatives in the past hour regarding basic questions of "Carrier IQ" functionality and potential conflict of privacy liberties. I have been told "no i don't know", hung up on had my question forwarded to a supervisor. I purchased two androjd phones in the past month and I am seriously concerned about the possibility of your company selling me equipment with such a severe privacy hole. Even worse, I call and ask amicably for information regarding the situation and nobody knows anything and tells me I am wrong and misinformed. I would like answers, and restitution at this point and time.

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00350765-1	Complaint Source	Web
Date Received	12/01/2011	Attachments	No
Category		Subcategory	

Complainant Information

Company			
Address			
City/State/Zip	Staten Island	NY	10301

Complaint Information

Company	Carrier IQ/ Claro		
Call Sign		TV Channel	
City/State/Zip			
Comments	My concern is that all Nokia and Android phones have Carrier IQ software tracking all keystrokes, websites visited, pin numbers, passwords, logins, text messages and web searches. My concern primarily is that I use my nokia phone for online banking and now Carrier IQ hass all of my personal information including my bank account number, credit card number and my banking password. My privacy was violated.		

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00351080-1	Complaint Source	Web
Date Received	12/03/2011	Attachments	No
Category		Subcategory	

Complainant Information

Company			
Address			
City/State/Zip	Boca Raton	FL	33427

Complaint Information

Company	Carrier IQ, Sprint
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Call Sign	TV Channel
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City/State/Zip	
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Comments

Dear FCC,

Re: Carrier IQ privacy law violations

As a long-time customer with Sprint's wireless services I am deeply concerned about the violation of my privacy stemming from Sprint's use of Carrier IQ software. Further, it is more concerning that Sprint either knowingly or unknowingly would use a product without fully understanding the full scope of its ability to violate an individual's basic rights or was Sprint actually aware of Carrier IQ's capabilities? What is the FCC doing to investigate these allegations? This complaint is to serve notice to the FCC the deep concern consumers have about their privacy.

Sincerely,

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00351130-1	Complaint Source	Web
Date Received	12/03/2011	Attachments	No
Category		Subcategory	

Complainant Information

Company			
Address			
City/State/Zip	Clearwater	FL	33759

Complaint Information

Company	Sprint
Call Sign	
City/State/Zip	
Comments	<p>Sprint uses Carrier IQ or similar software to track everything done on smartphones, including all keystrokes (think PINs) and the content of messages. The company has been collecting all this information secretly and without at least offering the ability to opt out. The company may claim that they are doing this to monitor quality of service, but the level of detail is far beyond what would be needed for just service quality. They may also say that even though they may have access, they do not USE the information. Really?! Fine. Please provide me with your credit card numbers, date of birth, SSN, mother's maiden name, etc. Don't worry since I don't intend to use it. Please protect our privacy and prohibit companies from collecting info that they do not absolutely require and even then only with our express and fully understood permission of what data they are collecting about us. Thank you. Source: http://news.yahoo.com/smartphone-spying-...html</p>

Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00351258-1	Complaint Source	Web
Date Received	12/04/2011	Attachments	No
Category		Subcategory	

Complainant Information

Company			
Address			
City/State/Zip	Oak Ridge	TN	37830

Complaint Information

Company	Sprint, HTC, and Google
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Call Sign		TV Channel	
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City/State/Zip	
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Comments	<p>Sprint along with HTC has an app installed as the base operating system that logs and sends information to Carrier IQ that then is sold to Sprint, HTC and Google and possibly other third party companies. These logs contain personal information and includes timestamps as well as the third person information the user maybe be talking to. Sprint, HTC, nor Google allows away to remove this application or OPT out. Please investigate this as it is affecting 11.4 million phones already sold.</p>
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Form Type	2000B - Billing, Privacy, or Service Quality Complaint		
Complaint Number	11-C00351302-1	Complaint Source	Web
Date Received	12/04/2011	Attachments	No
Category	CPNI	Subcategory	Privacy

Complainant Information

Company			
Address			
City/State/Zip	Austin	TX	78727

Complaint Information

Company	Sprint
Call Sign	TV Channel
City/State/Zip	
Comments	Very upset that carrier IQ is on my Evo 3 d phone and I want to have the choice to have it removed. This is an invasion of my privacy.